

BAKORNELL
STUDIO
207 WEST 4TH STREET.
PORTRAITS, GROUPS, VIEWS
AND AMATEUR FINISHING

MR. BATEMAN WRITES OF THE BATEMAN LAW.

Editor Record:—
In an issue of your paper subsequent to my first article you stated that the "Bateman Law" had been before the court of Eddy county and before the supreme court of this territory, and, in substance, also stated that the law was not sustained. Mr. S. L. Ogle was interested in one civil action in the district court of Eddy county, which was carried to the supreme court of the territory, styled Board of Education v. Bitting, 58 Pac. 395. I assume that that is the case you refer to. Samuel T. Bitting sued the Board of Education upon two warrants, one dated February 5, 1895, and the other July 9, 1895, for the amounts of \$80.00 and \$75.01, respectively. The so-called "Bateman Law" was not involved in that action at all.

In the case of Johnson v. Board of County Commissioners of Bernalillo County, 78 Pac. 43, the supreme court in September, 1904, said:

"The first cause of action is an unpaid balance of salary as district attorney. This, like all other current expense items of the county was subject to the provision of what is known as the 'Bateman Act,' the pertinent sections whereof, as they appear in the compiled Laws of 1897, are as follows: 'Here the court sets forth in full sections 299, 300, 301, 302, and then states: "It appears from these sections that the legislature adopted as a policy the plan that counties and other municipal subdivisions should be compelled to limit their expenses to their respective incomes; that their debts, in so far as they exceeded such income, should become and be void and cease to exist, except for the purposes of entitling the creditor to his pro rata of moneys coming in from deferred taxes. The claim, therefore, of plaintiff's decedent, became void and extinguished by force of statute, and so remained, unless revived by subsequent legislation."

In 1901, when Mr. Hinkle was a member of the council and I was a member of the house of the 34th Legislative Assembly, the legislature enacted chapter 44 of the session laws of 1901, found at page 92. The governor vetoed the act as first passed, but it was passed by the council over the governor's veto. When it came to the house for passage over the governor's veto, four democratic members thereof, and, as I recall, five republican members, led by the Hon. E. C. Abbott, now district judge voted to sus-

tain the governor's veto, and therefore, the bill as originally enacted could not be passed, but was amended by inserting section 7, thereon, which section is as follows:

"Nothing in this act shall be construed to validate, revive or legalize any indebtedness declared void or prohibited, by chapter 42 of the laws of 1897 commonly known as the Bateman Law, but all such claims or demands, in whatever form, shall remain under the provisions of said act, which is hereby recognized as in full force and effect."

The 35th Legislative Assembly, see chapter 10 page 25 of the laws of 1909 enacted the following:

"Whereas, boards of county commissioners in many of the counties of the territory have caused warrants to be drawn for the payment of current county indebtedness out of funds other than the funds of the current years during which said indebtedness was contracted, and the indebtedness for which said warrants were drawn and paid being bona fide indebtedness which would have otherwise been paid by said counties out of the funds of the proper current years, and,

"Whereas, it is claimed that such disbursing officers are liable for money so paid on said warrants.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

"Section 1.—Whenever it shall be shown in any suit pending in any court in this territory against any county treasurer and ex-officio collector, or the sureties on his official bond, that any of the money for which such suit is prosecuted was paid out by such officer prior to the passage of this act on warrants drawn by the Board of County Commissioners, or by the superintendent of schools, on account of bona fide indebtedness of such county, neither such treasurer and ex-officio collector nor the sureties on his official bond shall be liable therefor, and such treasurer and ex-officio collector shall be entitled to credit for such payments, notwithstanding that such payments may have been made and such indebtedness contracted contrary to the provisions of Section 299 of the Compiled Laws of 1897, known as the Bateman Act."

It will be seen from the decision above mentioned that the supreme court of this territory has held that the law of 1897 is valid. It will also be noted that the legislature of this territory from 1897 up to the present time, has recognized the law of 1897 as being a good law, because it has not repealed the same, although the law has been amended and modified in some instances for special purposes.

In the published report of the proceedings of the last meeting of the city council I see that the council in substance has gone on record as being against repudiating any honest debts. I do not know if they mean to say that they consider the debts declared void by the legislature of this territory to be honest and intend to pay them in disregard of the law, which says that if any officer of any county, city, town, school district or board of education, who

shall violate any of the provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than

one hundred nor more than one thousand dollars or be confined in the county jail for a period of not more than six months or by both such fine and imprisonment in the discretion of the court trying the case."

The present city council was elected for the express purpose of enacting an ordinance prohibiting the sale of intoxicating liquors in the City of Roswell as a beverage. The voters of the city were about equally divided, there being about 600 that seemingly thought they ought to have the right whenever they saw fit so to do to go to a saloon and obtain a drink of whiskey. These men, though not under oath to support the ordinance, will be expected by the city council when the so-called prohibition ordinance is adopted to lend their aid in enforcement of that ordinance, and the members of the city council and those citizens of the city of Roswell that voted for prohibition have the right to expect the minority to support the ordinance when adopted.

Now, if the city council, who is under oath to support the laws of this territory, proceed to violate the law of 1897, because they think it is a bad law, or ought not to have been adopted, or should not be enforced, have not the citizens of the town who were opposed to prohibition the right to say that the prohibition ordinance ought not to be enforced, and, if they were to endeavor to see that it was not enforced, would not their position be as consistent, yes, more consistent, than that of the members of the present city council who shall openly and knowingly violate the supreme law of the land? It has been truly said that the best way to get rid of an obnoxious law, or an obnoxious ordinance is rigidly to enforce the same.

U. S. BATEMAN.

\$500,000 to loan on irrigated farms long time loans. Interest payable annually with privilege to pay off loan before due.—J. B. Herbst, Financial Agent, 302 N. Main.

NOTICE CONTRACTORS.
ROSWELL HIGH SCHOOL.
Sealed Proposals will be received by the Clerk of the Board of Education of Roswell, N. M., up to 12 o'clock noon, 25th day of May, 1910, for the construction of a High School Building, according to plans, specifications, and general instructions prepared by I. H. & W. M. Rapp Co., Architects. Plans can be seen at the Office of the architects at Santa Fe, New Mexico, and Trinidad Colorado, also at the office of the Clerk of the Board of Education.

The Board reserves the right to reject any and all bids.

W. T. JOYNER, Pres.
M. H. BRASHER, Clerk.

Money to loan on real estate.—Union Trust Company. 5tf.

Money to loan on good real estate. Three years.—Title & Trust Co. 4616*

The Virginia Inn for Board and lodging. Everything first class. New management. 4616*

H. O. Snyder, who has been here on business for the Mutual Life Insurance Co., left Sunday morning for his home in Pueblo, Colo. He is a general agent for the company and was working here with Willis Ford, the local agent.

Mr. and Mrs. C. P. Caraway, formerly of this city and lately of Amarillo, have arrived to again make their home in Roswell. Mr. Caraway runs on the railroad out of Roswell.

Fire in Lee Drury's Barn.
Fire broke out in the barn of Lee Drury on Virginia avenue Saturday evening. It was in the same block with the Fire Department, and the fire boys were there before it had done much damage. With two streams of water the blaze was soon put out.

NOTICE OF SUIT.
In the District Court, Chaves County, Territory of New Mexico.
Anna Johnson, Plaintiff,
v.
No. 1694.
Lea Cattle Company, a corporation; The Unknown heirs of H. K. Thurber; and Mrs. H. K. Thurber, Defendants.

To Mrs. H. K. Thurber, and the Unknown heirs of H. K. Thurber, deceased, Defendants:

You and each of you are hereby notified that a suit has been filed against you by the above-named plaintiff in the District Court of the Fifth Judicial District in and for Chaves County, Territory of New Mexico.

The general object of the action is to quiet the title of the plaintiff to lot number 6 in Block 43 West Side Addition to the City of Roswell in the County of Chaves, Territory of New Mexico.

Plaintiff further charges that said defendants make some claim to said premises adverse to the estate of plaintiff and prays that her title or estate in said described premises be quieted against any adverse claim or claims of the defendants and that the defendants be barred and forever estopped from having or claiming any right or title to said premises.

That defendants are hereby further notified that unless they enter their appearance in said suit on or before the 14th day of June, 1910, plaintiff will apply to the court for the relief demanded in the complaint and judgment will be rendered against them by default. That the name of plaintiff's attorney is K. K. Scott and his post-office and business address is Roswell, Chaves County, New Mexico.

WITNESS my hand and seal of said court this 16th day of April, 1910.

S. I. ROBERTS,
Clerk of the District Court of the Fifth Judicial District in and for the County of Chaves.

By GEO. L. WYLLYS,
(SEAL) Deputy.

WELL'S APARTMENTS.
One vacant suite—Corner—Very desirable. Phone 448.
Thos. Terry, Agent.

Classified "Ads."

* * * * *

Cash for Small Ads.
Small ads., under one dollar * must be paid in advance. We * do this to avoid the keeping of * many petty accounts.

RECORD PUB. CO. * * * * *

FOR SALE:
FOR SALE:—3,000 gal. tank tower and piping, \$25.00.—210 S. Ky. 44tf
FOR SALE:—2 lots close in; also modern cottage. Inquire 304 North Penna. ave. 45tf

FOR SALE:—An eight horse power mounted Fairbanks-Morse Gasoline engine.—Call Oasis Ranch Co. 18tf

FOR SALE:—Strictly up-to-date Gent's Furnishing Store in railroad town. Satisfactory reasons for selling. Stock has never gone through cut rate sale.—Rolland Bros., Carrizozo, N. M. 4312.

FOR SALE:—Residence in good locality; water, bath, electric lights, every modern convenience. Apply or write C at Record Office. tf

FOR SALE:—Household goods of the Clem Boarding house. Bargain if sold at once. 416 N. Main. 4913*

FOR SALE:—Good cooking stove with all cooking utensils, cheap, at 112 Ky. Ave. 4912*

WANTED:
WANTED:—Girl to do house work.—505 S. Kentucky. tf

WANTED:—Lot salesman, 40 to 640 acres of land. Big Commission.—Rotan Development Company, Rotan, Texas. 36110*

WANTED:—Man to work on farm address Box 12, R. F. D. 4812*

WANTED:—Dish washer at El Capitlan Hotel. 4913*

WANTED:—Large furnished room, bath, P. O. Box 426, or Phone 80 tf

FOR RENT:
FOR RENT:—Modern cottage, 304 North Penna. ave. 45tf.

FOR RENT:—Office suite, ground floor, city water. Apply E. W. Mitchell, agent. 86tf.

FOR RENT:—12 room boarding house, well located, modern conveniences.—Teeples & Day, Phone 615.

FOR RENT:—Corner Kentucky and Alameda, modern 5 room house.—Apply E. G. Minton, 109, E. 3rd. street. 34tf

FOR RENT:—brick house, corner of Richardson and Walnut.—A. M. Robertson. 45tf.

FOR RENT:—Furnished front room. 932 North Va. Ave. 4813*

FOR RENT:—A 4 room house located on Main street, connected with city water and sewer.—Apply Joe Torian, phone 468. 48tf.

FOR RENT:—Two furnished rooms for light housekeeping. Good neighborhood, best location.—509 N. Lea or phone 485. 4913*

FOR RENT:—House, 211 N. Washington. 4913*

FOR RENT:—2 light housekeeping rooms, 316 N. Main. 4912.

GIVEN AWAY
A \$400.00 JESSE FRENCH PIANO
AND A \$100.00 KARPEN DAVENPORT

To the Lodge, Organization or Person receiving the first and second largest number of votes, by July 30th, 1910.

The Piano and Davenport are on exhibition at THE DILLEY FURNITURE CO. The Ballot Boxes at ROSWELL DRUG & JEWELRY CO., and INGERSOLL, BOK & STATIONERY CO., where votes are to be deposited.

The following merchants issue one vote with every 25 cent purchase.

ART GOODS—Indian Art Shop.
AUTOMOBILE SUPPLIES—Finley Rubber Co.
BAKERY—Burkey's Bakery.
BARBER—Capitol and Parlor Barber Shops.
BICYCLES—J. E. Faught.
BOOKS and STATIONERY—Ingersoll Book & Sta. Co.
CONFECTIONERY—Weller Bros.
CIGARS and TOBACCO—Wigwam and Smoke House.
COOK WITH GAS—Roswell Gas Co.
DRUGS—Roswell Drug & Jewelry Co.
ELECTRICAL SUPPLIES—Valley Electrical Co.
FEED and FUEL—Roswell Wool & Hide Co.
FURNITURE—Dilley Furniture Co.
GROCERIES—Monarch Grocery Co.
HARNESSES—E. T. Amoret.
HORSE SHOEING—W. W. King.
HOTEL—Grand Central Hotel.
IMPLEMENTS—J. E. Mitchell.
ICE—Crystal Ice.
JEWELRY—Harry Morrison.
LIVERY—Palace Stables.
LUMBER—Roswell Lumber Co.
MEATS—U. S. Meat Market.
MILLINERY—Miss M. C. Fleming.
PLUMBING—J. E. Mitchell.
POOL—New Mexico Cigar Co.
PHOTOGRAPHY—Turner Studio.
RESTAURANT—Merchants Cafe.
SHOES—Stine Shoe Co.
SECOND-HAND GOODS—R. E. McElhannon.
TAILOR—Swift Bros.
THEATRE—Lyric Theatre.
PRINTING and ADVERTISING—The Record Office.

List of Organizations

Roswell Camp, M. W. A.
El Capitan Camp, W. O. W.
Ladies of the Baptist Church.
Roswell Chapter O. E. S.
Roswell Fire Department.
Damon Lodge, K. of P.
Battery A.
New Mexico Military Institute.
Roswell Lodge B. P. O. Elks.
Mothers' Club, Central School.

ROSWELL Trade Directory

ABSTRACTS.
THE BONDED ABSTRACT and SECURITY CO.—Capital \$50,000. Abstracts and titles guaranteed, loans. Oklahoma Block. Phone 87.

BUTCHER SHOPS.
U. S. MEAT MARKET.—Keeps nothing but the best. "Quality" is our motto.

BILLIARD-POOL HALLS.
GEO. B. JEWETT.
(212 Main St.)
Billiards, Pool. New regulation equipment.

SLACK SMITHING.
LON HOLLAND.—New Shop at 242 Virginia Avenue. Horse-shoeing, general blacksmithing, carriage repair and rubber tire work. SATISFACTION GUARANTEED.

CITY LIVERY AND TRANSFER CO.
For cab and livery, phone No. 9, 122 W. 2nd. Boarding given special care. Anderson & Chuning, Props.

DEPARTMENT STORES
JAFFA, PRAGER & CO.—Dry Goods clothing, groceries and ranch supplies.

JOYCE-PRUIT CO.—Dry goods, clothing, groceries, etc. The largest supply house in the Southwest. Wholesale and Retail.

DRUG STORES.
ROSWELL DRUG & JEWELRY CO.
Oldest drug store in Roswell. All things up-to-date.

FURNITURE STORES.
DILLEY FURNITURE COMPANY.—The swellest line of furniture in Roswell. High qualities and low prices.

GROCERY STORES.
THE SHRADER GROCERY CO.—Strictly good goods at reasonable prices. Your patronage solicited.

GRAIN, FUEL & HIDE DEALERS
ROSWELL WOOL & HIDE CO.—Let us furnish you with your grain, coal and wood, we buy hides, phone 301

ROSWELL TRADING CO.—Coal, hay and grain. Always the best. East Second St., Phone 126.

HOTELS.
We will not only give you something good to eat but we'll fan you while you eat.—Roswell Hotel.

HOUSE FURNISHERS.
HILLS & DUNN.—Furniture, hardware stoves, rugs, etc. new and second hand. Sewing machine needles, bobbins, and suttles of all kinds. 306-307 N. Main. Phone 69.

HARDWARE STORES.
ROSWELL HARDWARE CO.—Whole sale and retail hardware, gasoline engines, pipe, pumps, fencing.
INDEPENDENT HARDWARE CO.—Wholesale and retail everything in hardware, tinware, buggies, wagons. Implements water supply goods and plumbing.

LIVERY AND CAB.
THE ORIENTAL LIVERY and CAB Line at your service day and night. Paine 40, W. R. Bond, Prop.
GO TO THE PALACE LIVERY STABLE for new buggies and nice drivers.

LUMBER YARDS.
PECOS VALLEY LUMBER CO.—Lumber, shingles, doors, lime, cement, paints, varnish and glass.
ROSWELL LUMBER CO.—The Old established lumber yard in Roswell. Use for all kinds of building materials and paints.
FINE CEDAR POSTS.—KEMP LUMBER CO.

PIANO TUNING.
W. S. MURRELL, PIANO TUNING and Repairing. Graduate Chicago Conservatory of Piano Tuning. Ample experience. Work is guaranteed and is my best advertisement. 348 E. 5th St., Phone 569. 881m*

RACKET STORE.
G. A. JONES & SON.—Queensware, grankware, notions, stationery etc etc., Always for less. 324 N. Main.

JOB PRINTING.
Call at the Record Office and get our prices on printing of all kinds. The best work at reasonable prices.

READY-TO-WEAR APPAREL.
THE MORRISON BROS.' STORE.—Outfitters in ready-to-wear apparel for men, women and children. And Millinery a specialty.

UNDERTAKERS.
DILLEY & SON.—Undertakers. Private ambulance. Prompt Service.
ULLERY FURNITURE CO.—Undertakers. Phone No. 75 or No. 111.
H. H. HENNINGER—Undertaker and embalmer. Private ambulance, prompt service. Parlor 121 W. 4th. Phone 30-3 rings.



THE HOME YOU OWN
is ever so much happier and cosier than the one you hire. If you have the will to own one, we will show you the way.

The Ownership of Real Estate
is not difficult, if you have ambition. If you really desire a home you can call your own, come and see us. We can offer you an opportunity that requires only a little cash and some determination.

10-room, 2 story, modern residence. Three lots, shade, lawn, fruit, stable, city water and sewer. \$5500.00.
7-room modern house on Third street, South front. All modern conveniences. \$2250.00.
New 4-room residence, three lots. \$2300.00.
We have some fine suburban acre property, plenty of water to irrigate, that we will exchange for a house and lot in town.
100 feet, East front corner, city water, sewer, most desirable location. \$1500.00.
100 feet corner on West Sixth street, artesian well, shade and sewer. \$1500.00.
We have desirable residence and business vacant lots in all parts of the city. Get prices before buying.

RELIABLE ABSTRACTS. PHONE 91.

Title and Trust Co.
ROSWELL, N. M.

PINE LODGE
For Rest, Comfort and Pleasure
Elevation 7000 Feet.
RATES: \$3.00 per Day.
Special Rates by Week or Month.
AUTO LINE FROM ROSWELL
For information Write P. O. POLARSON, Roswell, N. M., or see Parsons & Lawrence, 215 North Main Street.

EXCURSIONS
St. Louis, Mo., and return \$38.70
Account of American Ass'n. of Equity. American Federation Labor Farmers' Educational and Co-operative Union, May 2-8, 1910.
Tickets on sale April 30 May 1, 2 and 3
Final limit May 10th.
FOR FURTHER PARTICULARS APPLY TO
M. D. BURNS, Agent